

The Year Ahead 2025: California PAGA Amendments + Other Legislative Highlights

January 16, 2025

The Golden State had lost some of its luster among California employers due to its Private Attorneys General Act (PAGA), with some calling it “one of the least just and fair laws that employers are dealing with today in California.” Yet two recent PAGA amendments may help restore the state’s business shine in 2025 and beyond.

Takeaways

- PAGA amendments have some positive aspects for employers.
- 2025 will hopefully bring more clarity on how the trial courts will handle the revisions to PAGA.
- California employers should review policies, be aware of requirements for posting if undertaking a voluntary audit and be cautious with mandatory meetings given recent legislative changes.

PAGA Amendments

Senate Bill 92

- Effective immediately except for certain cure provisions that took effect 11.01.24.
- Applies to civil actions filed on or after **06.19.24**.
- Expands the right to cure Labor Code violations for businesses with fewer than one hundred employees and offers businesses with more than one hundred employees the ability to seek an

early resolution of Labor Code claims pending in court.

Assembly Bill 2288

- Effective immediately.
- Applies to civil actions brought on or after **06.19.24**.
- Focuses on revisions to penalties, including penalty caps for good faith compliance; reduced penalties for wage statement violations, derivative violations, cured violations and isolated violations; relief for employers with weekly pay periods; limited aggravated penalties; increased employee share of penalties; and injunctive relief.

Revised Definition of “Aggrieved Employee”

- Plaintiffs must have **personally** suffered each of the violations and suffered the violations during the period prescribed by the statute of limitations.
- The revised definition provides exceptions for individuals represented by a nonprofit legal aid organization that has acted as PAGA counsel for at least five years prior to **01.01.25**.

PAGA in Practice

- Trial court judges are still figuring out how new amendments work.
- The results have varied.
- Plaintiff’s bar not slowing down: 3,827 PAGA notices filed after the amendments took effect.

Other California Legislative Highlights

AB 2499

Amends the provisions for time off related to jury duty, court appearances and victim-related activities.

SB 399

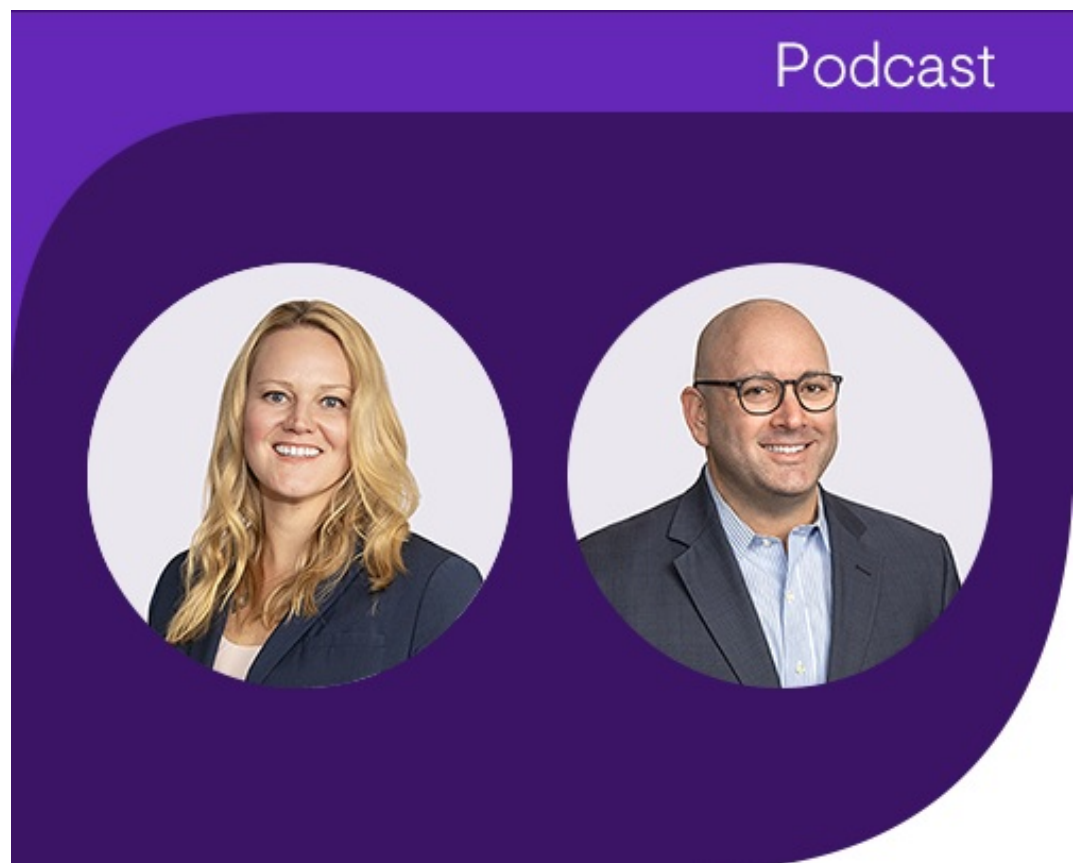
Enacts the California Worker Freedom from Employer Intimidation Act to curtail employers' ability to require employees to attend employer-sponsored meetings that convey the employer's opinions on religious or political matters.

SB 1137

Clarifies that the California Fair Employment and Housing Act, Unruh Civil Rights Act and the provisions of the Education Code prohibit discrimination not just on the basis of individual protected traits, but also on the basis of the intersectionality of two or more protected traits.

AB 3234

Requires employers to make certain disclosures if they voluntarily audit their operations for the involvement of child labor.



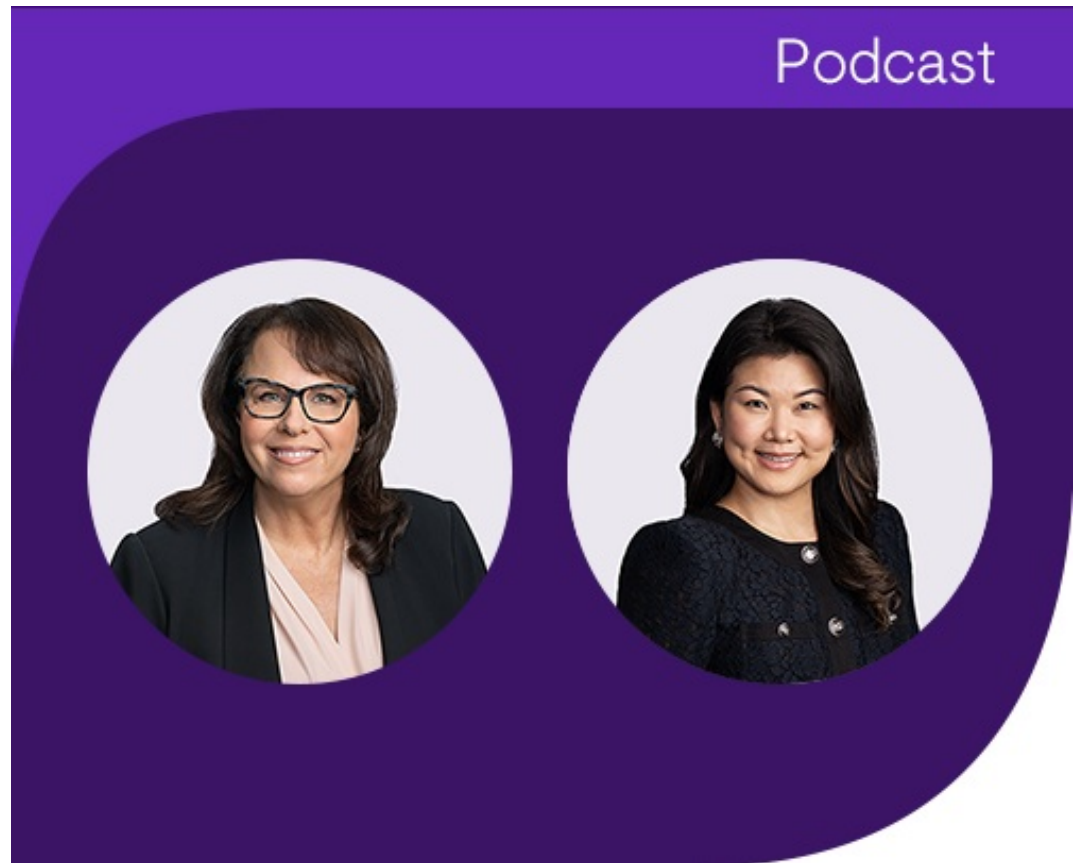
The Year Ahead 2025: Amendments Alleviate Not Eliminate Employer PAGA Burdens

Hosts: **Lara P. Besser**, Principal, and **Eric J. Gitig**, Principal

“PAGA is a statute that’s not employer-friendly, but one of the benefits of this last year is that we had some amendments come through that did, for lack of a better phrase, throw employers a little bit of a

bone when it came to dealing with PAGA cases. One benefit is an expanded ability to cure labor code violations. The other involves arbitration and our ability to fight these claims and not just have to wait to trial to do it.”

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The Year Ahead 2025: New California Laws for Fair Employment, Workplace Violence Prevention + More

Hosts: **Julie S. Maresca**, Of Counsel, and **Angela S. Rho**, Of Counsel

“Throughout the year, we certainly find some of the policies that we think ‘we should maybe change that moving forward.’ The beginning of the new year is a great opportunity to take a look at these things with new eyes and work with our management teams to really be business partners and not just advise but strategize with them as we move forward.”

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